

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JACOB ROLAND SIEWERT,

Defendant.

CR-24-02-H-BMM

ORDER

Defendant Jacob Roland Siewert (“Siewert”) has moved to withdraw his guilty plea. (Doc. 21.) The United States filed a Motion to Hold in Abeyance Defendant’s Motion to Withdraw Guilty Plea. (Doc. 26.) The Court held a hearing in this matter on July 8, 2024. (Doc. 29.) Through counsel, Siewert indicated at the hearing that he does not oppose the United States’s Motion. Accordingly,

IT IS ORDERED that

1. Defendant Siewert’s Motion (Doc. 21) will be held in abeyance until a decision on the United States’s petition for rehearing *en banc* in *United States v. Duarte*, 101 F.4th 657, 2024 WL 2068016 (9th Cir. 2024), or for 60 days, whichever is earlier.
2. This period of time is excludable in computing the time within which

- Defendant Siewert's trial must commence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (B)(ii). The United States's Motion also provides good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(D).
3. Once the petition for rehearing *en banc* in *Duarte* is resolved, the Court will set a hearing at which time it will consider Defendant Siewert's Motion (Doc. 21). Defendant Siewert's Motion is not "under advisement" within the meaning of 18 U.S.C. § 3161(h)(1)(H) because the disposition of the United States's *en banc* petition by the Ninth Circuit is necessary to the Court's disposition of the Motions.
 4. Nothing in this order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods be excluded from the period within which trial must commence. The same provisions and/or other provisions of the Speedy Trial Act may in the future authorize the exclusion of additional time periods from the period within which trial must commence.

DATED this 8th day of July, 2024.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court